IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

CRP.No. 1078 of 2007()

AGAINST THE ORDER DATED 10/08/2007 IN IA 1335/07,1359/07 IN OS.322/2006 of MUNSIFF COURT, PALA
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REVN. PETITIONER: PETITIONER/3RD DEFENDANT

JOMETTE JOSE,S/O. JOSE, AGED 26 YEARS
PANACHIKATTU, FROM PERUVACHIRA,
VILAKKUMADOM KARA, POOVARANY VILLAGE,
MEENACHIL TALUK,.

BY ADV. SRI.C.K.MOHANAN

RESPONDENTS: COUNTER PETITIONER/PLAINTIFF DEFENDANTS 1 &2
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1. **M.K.GOPI, AGED 43 YEARS,**
   S/O. KUNJUMON, MANAKATTU HOUSE,
   PALA KARA, MEENACHIL VILLAGE.

2. **JOSE,S/O. JOSEPH, AGED 53 YEARS**
   PANACHIKATTU, FROM PERUVACHIRA,
   VILAKKUMADOM KARA, POOVARANY VILLAGE,
   MEENACHIL TALUK.

3. **ANIAMMA JOSE, W/O. JOSE,**
   AGED 50 YEARS, DO....DO...

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 1078 OF 2007

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Dated this the 11th day of December, 2007.

O R D E R

This revision petition is preferred against the order of the Munsiff, Pala in I.A.1335/07 and I.A.1359/07 in O.S.322/06. He is the 3rd defendant in the suit. An exparte order was passed against him with a petition to condone the delay of 86 days. He moved an application for setting aside the exparte order. Since the matter was listed the Court did not consider it at all and dismissed at the threshold itself. I am informed by the learned counsel for the revision petitioner that there has been a subsequent petition to transfer the case and it is pending before the District Court and the matter is still pending. Since the matter is pending and what the party wants is to set aside the exparte order, it is always desirable to avoid multiplicity of proceedings to consider the petition to set aside exparte order sympathetically. Therefore, the orders under challenge are set aside and the learned Munsiff is directed to consider the applications afresh after hearing the other side. If there is any stay by the District Court in

the transfer petition, the present petitions may be disposed of after the stay is vacated or order is passed in the transfer petition.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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